

ANDOVER BOARD OF HEALTH
Minutes
June 4, 2012, 6:00 P.M.
First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace Martin, Chairman, Ms. Katherine Kellman, Clerk, and Ms. Joanne Martel R.N., Assistant Director of Public Health/Public Health Nurse. Mr. Thomas Carbone, Director of Public Health, and Dr. Donald H. Miller, Vice-Chairman, were not present due to scheduling conflicts.

I. Approval of Minutes

- **May 7, 2012**

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of the Board of Health Meeting of May 7, 2012 with the following correction:

- *On page 3, first sentence of the second paragraph down, change “Ms. Martin felt that the EDC very good questions...” to Ms. Martin felt that the EDC asked very good questions...”*

Unanimous approval.

- **Executive Session of October 4, 2010** – Ms. Martin stated that she had no comments and would release the Minutes of the Executive Session of October 4, 2010.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the release of the Minutes of the Executive Session of October 4, 2010. Ms. Martin polled the Members: Ms. Martin, Aye, Ms. Kellman, Aye. Unanimous approval.

Motion by Ms. Martin, seconded by Ms. Kellman, to reorder the Agenda and move to Appointments and Hearings when Dr. Miller arrives. (Dr. Miller was unable to attend the Board of Health Meeting, so the Appointments and Hearings were discussed later in the evening.)

II. Appointments & Hearings

- **6:00 p.m. – Eva Xu for Teatone, Show Cause Hearing (Continued)** – Ms. Eva Xu did not appear before the Board, so the Board discussed the continuation without her presence. Ms. Martel stated that the last two private inspections performed by Ms. Cramm were good, but when Mr. Carbone did his inspection on May 31, 2012, he found three critical violations. The exterior doors were open because staff was too hot with the door closed, so Mr. Carbone was going to tell Ms. Xu to find a way to correct that issue. The rice was not stored in a good location and there were assorted cans with damaged seams. Ms. Martel stated that Mr. Carbone had indicated that he would get an explanation

from Ms. Xu about the violations. However, since she had been progressing so well, he would recommend that the Board extend her private inspections for another three months. The Board discussed solutions such as getting a screen door for the kitchen or installing blowers at the doors to keep insects out, but allowing the door to be open.

Motion by Ms. Martin, seconded by Ms. Kellman to continue the Hearing for three and with the following requirements:

- A. *Monthly inspections by the private contractor continue, for a total of three inspections.*
- B. *That a work plan be developed and submitted to address physical plant upgrades, and that the plan be submitted by July 1, 2012. The plan should include expected timelines for the work to be completed.*

Unanimous approval.

- **Reappointment of Staff**

- **Board Reorganization** - required annually in accordance with the provisions of M.G.L.c. 111, §27, the Board must elect a Chair, Vice Chair, and Clerk.

Chairman – Ms. Candace Martin

Vice-Chairman – Dr. Donald Miller

Clerk – Ms. Katherine Kellman

Motion by Ms. Martin, seconded by Ms. Kellman, to elect Ms. Candace Martin as Chairman, Dr. Donald Miller as Vice-Chairman, and Ms. Katherine Kellman as Clerk. Unanimous approval.

- **Staff Appointments** - In accordance with the provisions of M.G.L.c. 111, §30, the Board of Health appoints the following persons to serve as its agents and officers for the fiscal period of July 1, 2012 through June 30, 2013, and beyond as necessary to serve at the pleasure of the Board. Said appointments are for regulatory authority only and does not guarantee any salary or fee.

Permanent Staff

Thomas G. Carbone as Director of Public Health

Joanne Martel, R.N. as Assistant Director of Public Health/Public Health Nurse

Daniel H. Tremblay as Sanitarian

Patricia Crafts as Health Agent.

Jane Morrissey, R.N., as Public Health Nurse

Ronald Beauregard as Agent (Healthy Communities Tobacco Control Program)

Robert Douglas as Agent (Conservation Director)

Linda Cleary as Agent (Conservation Agent)

Darren Dibartolomeo as Agent (Plumbing Inspector)

David Dargie as Agent (DPW Construction Engineer)

David Nichols as Agent (Medical Reserve Corps)

Anthony Turiano, M.D. as Board of Health Physician

Contract Staff (on call as needed)

Michelle Grant as Agent

Charlene Gagnon as Public Health Nurse

Nanci MacKenzie as Public Health Nurse

Kay Devanna as Public Health Nurse

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Permanent and Contract Staff Appointments as noted. Unanimous approval.

Emergency Appointments – In accordance with the provisions of M.G.L.c. 111, §30, the Board of Health hereby authorizes the Director of Public Health or the next person in succession to make emergency appointments of Health Agents with the verbal approval of the Chairman of the Board of Health or a member in succession, and the Town Manager. Said appointments shall expire in 7 days unless otherwise extended by the Board of Health, and shall be for emergency purposes only.

(Please note that this final section is intended to ease the use of mutual aid services from other communities in the event of an emergency requiring swift response. It transfers the Board's authority to those responding agents and legalizes their actions. Said responding agents will be under the direction of a permanently appointed agent.)

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Emergency Appointments. Unanimous approval.

III. Discussion

- **Mosquito Control Plans** – Ms. Martel informed the Board that no action was needed; the plan was provided to the Board Members for their knowledge so that they know that it is being implemented. The larvicide procedure has been started. Ms. Martin asked if there was anything different that we should do since we had milder weather this winter, or just anticipate that we still may need to call for spraying. Ms. Martel stated that we will maintain the same protocol about spraying at this time; we would only spray if absolutely necessary. Some residents like to do nuisance spraying, but would have to do that on their own. The District will wait to see how the season progresses and will go along with the algorithms and the State recommendations, and will only spray if the need arises. Ms. Martel stated that when an area is sprayed, homeowners can opt out from having their property sprayed. Ms. Martin noted that Lawrence was not part of this District. Ms. Martel stated that Mr. Carbone will keep an eye on the part of town that borders Lawrence to see if there is more activity since they are not part of the project.

Approve Arbovirus Response Plan – Ms. Martin stated that Mr. Carbone had suggested three changes to the plan. First, he eliminated the section on dead bird collection. Ms.

Martel stated that the State made the decision not to collect dead birds. Secondly, Mr. Carbone decreased the number of people on the Mosquito Control Board. The proposed wording was to change “A Mosquito Control Working Group *will* be formed to determine a course of action to respond to the threat.” to “...*may* be formed...” and “...Members of the Working Group *will* be:” to Members of the Working Group *may* be.” The Members proposed to be eliminated would be Director of Public Works, Director of Plant and Facilities, and three residents selected by the Health Director and Board of Health Chairman. The Directors will be consulted if needed. Thirdly, there were some general edits.

Ms. Kellman stated that she was concerned with the elimination of the residents from the group. She felt it could be seen as excluding them and thought that residents should be included in the decision making process. Ms. Martel pointed out that spraying would be done only in response to a threat, so when the threat arises, the Board needs to make a decision quickly. Usually spraying would take place at the end of the season. At that time of year there is a short window of time based upon factors such as the temperatures at night as well as the presence of a wind, so the Board sometimes doesn’t have the luxury of time to wait to form a working group and have a meeting.

After some discussion the Board decided to list who would be required to be in the group to make the decision and also others who may be needed. (The critical people needed would be the Director of Public Health or Designee, the Board of Health Chairman or Designee and the Town Manager. Then the rest would be consulted as needed, keeping residents included).

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Arbovirus Response Plan revisions as noted in the packet with the addition of the additional change on page 3 to state: “The Members of the Working Group will consist of: Director of Public Health or Designee, Board of Health Chairman or Designee, and Town Manager; additional members may include, but not be limited to: a Representative of Andover Schools, Director of Conservation, Director of the Mosquito Control District, Representative of MDPH if available, and up to three residents selected by the Health Director and Board of Health Chairman”. Unanimous approval.

- **Set August & September Meeting Dates (The Board set all dates for the rest of the year)** – The Board decided on the following Board of Health Meeting dates for the rest of year 2012: Monday, August 13, Monday, September 10, Monday, October 15, Monday, November 19 and Monday December 10.

IV. Old Business

- N/A

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

- **DWRP Variance/Local Upgrade Approval**

- **43 Farrwood Drive – Ratify LUA to Allow the SAS to be 4’ above the SHWT, 5’ required** – Ms. Martin stated that Mr. Carbone had previously polled the Board Members via e-mail to approve the LUA. Ms. Martel stated that the request was for the SAS to be 4’ instead of 5’.

Motion by Ms. Martin, seconded by Ms. Kellman to ratify the LUA at 43 Farrwood Drive, to allow the SAS to be 4’ above the SHWT, where 5’ is required. Unanimous Approval.

- **4 Langley Lane – Allow SAS to be 17’ from foundation, 20’ required** – Ms. Martel recommended approval of the LUA.

Motion by Ms. Martin, seconded by Ms. Kellman to approve the LUA at 4 Langley Lane to allow the SAS to be 17’ from foundation, where 20’ is required. Unanimous approval.

- **276 North Main Street – Allow SAS to be 4’ above the SHWT, 5’ required** – Ms. Martel explained to the Board that there is not a lot of room due to wetlands in the area, so there wasn’t a lot of space to work with. Ms. Martin stated that she thought sewer was available in that area. Ms. Martel stated that the Board could wait to vote until it found out if sewer was available or not. The Board Members examined the plan and were unable to see exactly where the property connected to North Main Street. They decided that they would conditionally pass the LUA until it can be determined if sewer is available. Ms. Martel stated that the property is very hilly and there is stone ledge there, so it may not be possible to bring the sewer up to the property.

Motion by Ms. Martin, seconded by Ms. Kellman to conditionally approve the LUA to allow the SAS to be 4’ above the SHWT, where 5’ is required with the condition being that if sewer is a viable option and available in the area, then the property would connect to sewer. Unanimous conditional approval.

VII. Staff Reports

A. Director’s Reports:

- **Important Dates:**

- June 27, 2012 to July 1, 2012 – Director to NEHA Conference
- July 9, 2012 at 6 p.m. – Board of Health Meeting
- July 28 to August 5, Director’s Vacation

B. Nurses’ Reports for April and May, 2012 – The Nurses’ Reports for April and May, 2012, were for informational purposes only – Ms. Martel asked the Board if

there were any recommendation they could make that would help the Board understand her data more clearly. Ms. Martin asked if there could be more historical data so they could see where things are trending. Ms. Martel stated that now they use a program called Maven, which is the State Surveillance System, which gives information through the computer so things are now done on-line. Ms. Kellman stated that the nurses do all this work on the reports, but the Board, with the exception of Dr. Miller, do not have the skills to interpret the data. She would find it helpful if Ms. Martel would state if things look unusual or not. Ms. Martel explained that there are a lot of reports of communicable diseases and/or TB cases that may not turn out to be reportable cases. It is very hard to quantify what the nurses do as a number, because one case can take four days, where others may take longer, but it is still counted as one case. The time it takes to follow up is not easy to report. Ms. Martel will look into updating her report per the Board's request.

- C. **Inspectors' Reports for May, 2012** – The Inspectors' Reports for May will be in the July Board of Health Agenda Packet.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:00 p.m. Unanimous approval.